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EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 21

Application Number: 09/422,654
Filing Date: October 22, 1999
Appellant(s): MATTHEWS ET AL.

Christopher R. Glembocki
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 9/03/02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

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(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is partially correct. The 35 U.S.C.112, first paragraph, rejection of claims 40-48 have been withdrawn. Current status of the claims is as follow:

Claims 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 5,463,727 to Wiggins et al.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is partially correct. The 35 U.S.C.112, first paragraph, rejection of claims 40-48 have been withdrawn. The correct issue is:

Whether claims 40-48 are patentable, under 35 U.S.C 103(a), over Wiggins.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 40-48 stand or fall together.

(8) *Claims Appealed*

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The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,463,727

Wiggins et al.

10-1995

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 40-48 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 14.

(11) *Response to Argument*

Wiggins et al teach a computer implemented system and corresponding method for highlighting a current menu selection. A menu screen 10 comprising a list of menu options is displayed on the screen. Each menu option resides in a rectangular shape 11-16 (col. 3, lines 19-24; figure 1). Each of the rectangular shape is separated from an adjacent shape by a spacing distance based on border parameters (figure 1). Responsive to a selection input to rectangular shape 16 (col. 3, lines 24-27), for enlarging the size of the rectangle 16, and for controlling the display to display the enlarged shape surrounding the current selection (col. 3, lines 27-33). The size of rectangle 16 is enlarged by displaying a frame 17 surrounding the rectangle 16. This interpretation is consistent with the appellants' disclosure, figure 17 (see paper 12). The storing of the menu screen is inherently included in Wiggins in order for the screen to be displayed. Wiggins et al fail to clearly teach that the menu screen 10 is displayed responsive to a Start or Menu button. However implementation of displaying a list of menu responsive to a start or menu button is well known in the art of menu interfaces. It would have been obvious to one of skill in the art, at the time the invention was made, to implement a Start or Menu button to

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Wiggins et al for displaying the menu screen 10 in response to the activation of the Start or Menu button. Motivation of the implementation is for displaying or returning to the menu screen from different states of operation.

The appellants argue that Wiggins et al do not teach the claim limitation “each shape being separated from an adjacent shape by a spacing distance based on border parameter. In response to the argument, Wiggins discloses in figure 1, rectangle 11 separated from rectangle 12 by a horizontal spacing distance between the two rectangles. Similarly, rectangle 11 separated from rectangle 14 by a vertical spacing distance between the two rectangles. The border parameters of the rectangles, which are the length and width of each rectangle defined by screen pixel coordinates defines the spacing distance. Thus as can be clearly seen in figure 1, the spacing distance between rectangles 11 and 12 is based on the borders of rectangles 11 and 12. Similarly, the spacing distance between rectangles 11 and 14 is based on the borders of rectangles 11 and 14. Figure 2 shows a reduced version 21 of menu screen 10. As seen in figure 2, border parameters of rectangles 11-16 are reduced to rectangles 22, so as the spacing distances between the rectangles 22. Thus the claim limitation “each shape being separated from an adjacent shape by a spacing distance based on border parameters” is disclosed by Wiggins et al. as set forth above.

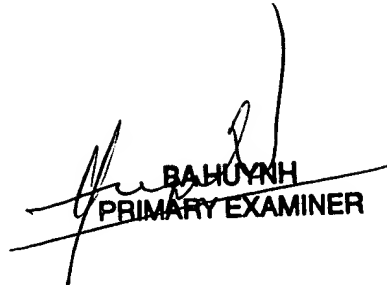
Claims 41-48 stand or fall together with claim 40.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Huynh, Ba
September 22, 2002



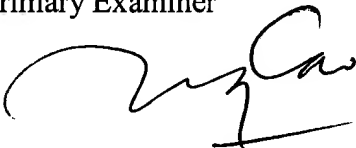
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